

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/676,674	JERVIS, MARK J. <i>UN</i>
	Examiner Michael Leslie	Art Unit 3745

-- **The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to \_\_\_\_\_.
2.  The allowed claim(s) is/are 1-20.
3.  The drawings filed on 01 October 2003 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date \_\_\_\_\_.
7.  IDENTIFYING INDICIA such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 10/1/03
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. George Haas on 12/29/2004.

The application has been amended as follows:

**IN THE CLAIMS:**

Claim 1, Line 3, "a supply line and a return line" has been changed to --the supply line and the return line--,

Claim 1, Line 12 "second" has been deleted,

Claim 2, Line 5, --is connected-- has been inserted after "valve",

Claim 5, Line 2, "first node" has been changed to --second node--,

Claim 9, Line 3, "a supply line and a return line" has been changed to --the supply line and the return line--,

Claim 9, Line 13 "second" has been deleted,

Claim 12, Line 3, "a supply line and a return line" has been changed to --the supply line and the return line--,

Claim 12, Line 13, "the load-sense" has been changed to --the first load-sense"

Claim 12, Line 15 "second" has been deleted,

Claim 16, Line 4, "a supply line" has been changed to -- the supply line--,

Claim 16, Line 5, "a supply line" has been changed to -- the supply line--,

Claim 16, Line 14 "second" has been deleted,

Claim 19, Line 2, "first node" has been changed to --second node--,

Claim 20, Line 2, "second" has been changed to --secondary pump--.

The above changes to the claims have been made to correct informalities.

#### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

The instant invention has been deemed to be an unobvious improvement over U.S. Patents 5,540,050 to Krupowicz and 3,971,216 to Miller. Krupowicz discloses a hydraulic circuit having primary and secondary pumps connected to a supply line, a return line connected to a system tank, at least one actuator connected to the supply line and the return line, and a load sense circuit for sensing the load at each actuator for controlling the displacement of the primary and secondary pumps. Miller discloses a load responsive system for controlling pump output for both variable and fixed displacement pumps which, equates a pump displacement control means for a variable displacement pump with a bypass valve, communicating with the pump output, having a load responsive chamber for a fixed displacement pump. The combined teachings of Krupowicz and Miller do not render obvious the instant invention wherein the improvements comprise having different adjustment amounts for the bypass valves associated with the respective primary and secondary pumps, and the use of orifices in the load sense circuit to adjust flow received by the bypass valves associated with the respective primary and secondary pumps.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

## CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Leslie whose telephone number is (571) 272-4819. The examiner can normally be reached on M-F 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML  
December 30, 2004

*Michael Leslie*  
Michael Leslie  
Patent Examiner  
AU 3745

*Edward K. Look*  
EDWARD K. LOOK  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

11/4/05